

CHAPTER VII TAX SALE

SECTION A - REAL ESTATE TAX SALES

On or before July 1 of each year, the county treasurer shall certify to the county auditor, a list of real property on which either any property taxes or special assessments certified to the county auditor for collection by the county treasurer from the prior year's spring installment or before are delinquent as determined under IC 6-1.1-37-10 or any unpaid costs from a prior tax sale. [IC 6-1.1-24-1]

The county auditor shall maintain a list of all property eligible for sale. Unless the taxpayer pays to the county treasurer all the amounts listed in the preceding paragraph, the taxpayer shall remain on the list.

A tract or item of real property may not be removed from the list certified before the tax sale unless all delinquent taxes, special assessments, penalties due on the delinquency, interest, and costs directly attributable to the tax sale have been paid in full. A county treasurer may accept partial payments of delinquent property taxes, assessments, penalties, interest, or costs after the list of real property is certified.

The county auditor shall prepare a notice which shall contain:

1. A list of all tracts or real property eligible for sale.
2. A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder.
3. A statement that the tracts or real property will not be sold for an amount which is less than the sum of:
 - a. The delinquent taxes and special assessments on each tract or item of real property.
 - b. The taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent.
 - c. All penalties which are due on the delinquencies.
 - d. An amount prescribed by the county auditor that equals the sum of:
 - i. Twenty-five dollars (\$25.00) for postage and publication costs;
 - ii. Any other actual costs incurred by the county that are directly attributable to the tax sale.
 - e. Any unpaid costs from a prior tax sale.
4. A statement that a person redeeming each tract, once sold, will have to pay an interest charge of 10% per annum on any taxes and special assessments paid by the purchaser on the redeemed property after the tax sale.
5. A statement, for information purposes only, of the location of each tract or item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description.

The township assessor, upon written request from the county auditor, shall provide the information to be in such notice. A misstatement of the key number or street address does not invalidate an otherwise valid sale.

6. A statement indicating the name of the owner of each tract or item of real property with a single owner or the name of at least one (1) of the owners of each tract or item of real property with multiple owners.
7. A statement that the county auditor and treasurer will apply on or after a date designated in the notice for a court judgment against the tracts or real property for an amount that is not less than the amount set under three (3), and for an order to sell the tracts or real property at public auction to the highest bidder.

A statement that any defense to the application for judgement must be filed with the court before the date designated as the earliest date on which the application for judgment may be filed.

A statement that the court will set a date for hearing at least seven (7) days before the advertised date and that the court will determine any defenses to the application for judgment at the hearing.

8. A statement that the sale will be conducted at a place designated in the notice and the sale will continue until all tracts and real property have been offered for sale.
9. A statement that the sale will take place at the times and dates designated in the notice. The sale must take place on or after August 1 and before November 1 of each year.
10. A statement that a person redeeming each tract or item of real property after the sale must pay the costs described in IC 6-1.1-25-2(d).
11. If a county auditor and county treasurer have entered into an agreement under IC 6-1.1-25-4.7, a statement that the county auditor will perform the duties of the notification and title search under IC 6-1.1-25-4.5 and the notification and petition to the court for the tax deed under IC 6-1.1-25-4.6.

If within sixty (60) days before the date of the tax sale, the county incurs costs set under (3) and those costs are not paid, the county auditor shall enter the amount of costs that remain unpaid upon the tax duplicate of the property for which the costs were set. The county treasurer shall mail notice of unpaid costs entered upon a tax duplicate to the owner of the property identified in the tax duplicate.

The amount of unpaid costs entered upon a tax duplicate must be paid no later than the date upon which the next installment of real estate taxes for the property is due. Unpaid costs entered upon a tax duplicate are a lien against the property described in the tax duplicate, and amounts remaining unpaid on the date the next installment of real estate taxes is due may be collected in the same manner that delinquent property taxes are collected. [IC 6-1.1-24-2]

When real property is eligible for sale, the county auditor shall post a copy of the notice required by IC 6-1.1-24-2 and IC 6-1.1-24-2.2 at a public place of posting in the county courthouse at least twenty-one (21) days before the earliest date of application for judgment. In addition, the county auditor shall publish the notice required in IC 6-1.1-24-2 and IC 6-1.1-24-2.2 in the manner prescribed in IC 6-1.1-22-4(b) once each week for three (3) consecutive weeks before the earliest date on which the application for judgment may be made. The expenses of this publication shall be paid out of the county general fund without prior appropriation.

At least twenty-one (21) days before the application for judgment is made, the county auditor shall mail a copy of the notice required by IC 6-1.1-24-2 and IC 6-1.1-24-2.2 by certified mail, return receipt requested, to any mortgagee who annually requests a copy of the notice. However, the failure of the county auditor to mail this notice or its nondelivery does not affect the validity of the judgement and order.

The advertisement published under IC 6-1.1-24-4(b) is considered sufficient notice of the intended application for judgment and of the sale of real property under the order of the court. [IC 6-1.1-24-3]

Not less than twenty-one (21) days before the earliest date on which the application for judgment and order for sale of real property eligible for sale may be made, the county auditor shall send a notice of the sale by certified mail to the owner or owners of the real property at their last known address. The county auditor shall prepare the notice in the form prescribed by the State Board of Accounts. The notice must set forth the key number, if any, of the real property and a street address, if any, or other common description of the property other than a legal description. The notice must include the statement set forth in IC 6-1.1-24-2(a)(4). The county auditor must present proof of this mailing to the court along with the application for judgment and order for sale. Failure by an owner to receive or accept the notice does not affect the validity of the judgment and order.

On or before the day of sale, the county auditor shall list, on the tax sale record required by IC 6-1.1-25-8, all properties that will be offered for sale. [IC 6-1.1-24-4]

The county auditor shall also provide those agencies under IC 36-7-17, in that county, with a list of real property on which one (1) or more installments of taxes is delinquent by June 15 of the year following the date the delinquency occurred. [IC 6-1.1-24-4.5]

On the day on which the application for judgment and order for sale is made, the county treasurer shall report to the county auditor all of the tracts and real property listed in the notice required by IC 6-1.1-24-2 upon which all delinquent taxes and special assessments, all penalties due on the delinquencies, any unpaid cost due from a prior tax sale, and the amount due under IC 6-1.1-24-2(a)(3)(D) have been paid up to that time. The county auditor, assisted by the county treasurer, shall compare and correct the list, removing tracts and real property for which all delinquencies have been paid, and shall make and subscribe an affidavit in substantially the following form:

State of Indiana)
) ss:
County of _____)

I, _____, treasurer of the county of _____, and
I, _____, auditor of the county of _____, do solemnly affirm that the foregoing is a true and correct list of the real property within the county of _____ upon which have remained delinquent uncollected taxes, special assessments, penalties and costs, as required by law for the time periods set forth, to the best of my knowledge and belief.

County Treasurer

County Auditor

Dated _____

Application for judgment and order for sale shall be made as one (1) cause of action to any court of competent jurisdiction jointly by the county treasurer and county auditor. The application shall include the affidavit and corrected list as provided in IC 6-1.1-24-4.6(a).

Any defense to the application for judgment and order of sale shall be filed with the court on or before the earliest date on which the application may be made as set forth in the notice. [IC 6-1.1-24-4.6]

No later than fifteen (15) days before the advertised date of the tax sale, the court shall examine the list of tracts and real property as provided under IC 6-1.1-24-4.6.

No later than three (3) days before the advertised date of the tax sale, the court shall enter judgment for those taxes, special assessments, penalties and costs that appear to be due. This judgment is considered as a judgment against each tract or item of real property for each kind of tax, special assessments, penalty, or cost included in it. The affidavit provided under IC 6-1.1-24-4.6 is prima facie evidence of delinquency for purposes of proceedings under this section. The court shall also direct the clerk to prepare and enter an order for the sale of those tracts and real property against which judgment is entered.

Not later than seven (7) days before the advertised date of the tax sale, the court shall conduct a hearing. At the hearing, the court shall hear any defense offered by any person interested in any of the tracts or items of real property to the entry of judgment against them, hear and determine the matter in a summary manner, without pleadings, and enter its judgment. The court shall enter a judgment not later than three (3) days before the advertised date of the tax sale. The objection must be in writing, and no person may offer any defense unless the writing specifying the objection is accompanied by an original or duplicate tax receipt or other supporting documentation. At least seven (7) days before the date set for the hearing, notice of the date, time, and place of the hearing shall be provided by the court to any person filing a defense to the application for judgment and order of sale.

If judgment is entered in favor of the respondent under these proceedings, or if judgment is not entered for any particular tract, part of a tract, or items of real property because of an unresolved objection made under IC 6-1.1-24-4.7(b), the court shall remove those tracts, parts of tracts, or items of real property from the list of tracts and real property provided under IC 6-1.1-24-4.6.

A judgment and order for sale shall contain the final listing of affected properties and shall substantially follow this form:

"Whereas, notice has been given of the intended application for a judgment against these tracts and real property, and no sufficient defense has been made or cause has been shown why judgment should not be entered against these tracts for taxes, and real property special assessments, penalties, and costs due and unpaid on them, therefore, it is considered by the court that judgment is hereby entered against the below listed tracts and real property in favor of the state of Indiana for the amount of taxes, special assessments, penalties, and costs due severally on them; and it is ordered by the court that the several tracts or items of real property be sold as the law directs. Payments for taxes, special assessments, penalties, and costs made after this judgment but before the sale shall reduce the judgment accordingly."

The order of the court constitutes the list of tracts and real property that shall be offered for sale under IC 6-1.1-24-5. The court that enters judgment shall retain exclusive continuing supervisory jurisdiction over all matters and claims relating to the tax sale.

No error or informality in the proceedings of any of the officers connected with the assessment, levying, or collection of the taxes that does not affect the substantial justice of the tax itself shall invalidate or in any manner affect the tax or the assessment, levying, or collection of the tax.

Any irregularity, informality, omission, or defective act of one (1) or more officers connected with the assessment or levying of the taxes may be, in the discretion of the court, corrected, supplied, and made to conform to law by the court, or by the officer (in the presence of the court). [IC 6-1.1-24-4.7]

In the conduct of the tax sale the following shall be observed:

1. The sale shall be held at the times and place stated in the notice of sale, and not extend beyond October 31 of the year of the sale.
2. A tract or item of real property may not be sold for the purpose of collecting delinquent personal property taxes or for the purpose of collecting taxes or special assessments which are chargeable to other real property.

3. A tract or item of real property may not be sold under this chapter if all the delinquent taxes, penalties, and special assessments and tax sale costs incurred under IC 6-1.1-24-2(a)(3)(D) on the tract or item of real property are paid before the time of sale.
4. The county treasurer shall sell the tract or item of real property to the highest bidder at public auction. However, a tract or item of real property may not be sold for an amount which is less than the sum of:
 1. the delinquent taxes and special assessments on each tract or item of real property;
 2. the taxes and special assessments on each tract or item of real property that are due and payable in the year of sale, regardless of whether the taxes and special assessments are delinquent;
 3. all penalties which are due on the delinquencies;
 4. the amount prescribed by IC 6-1.1-24-2(a)(3)(D) reflecting the costs incurred by the county due to the sale.
 5. Any unpaid costs which are due under IC 6-1.1-24-2(b) from a prior tax sale; and
 6. other reasonable expenses of collection, including title search expenses, uniform commercial code expenses, and reasonable attorney's fees incurred by the date of the sale.

For the purposes of the sale, it is not necessary for the county treasurer to first attempt to collect the real property taxes or special assessments out of the personal property of the owner of the tract or real property.

The county auditor shall serve as the clerk of the sale. [IC 6-1.1-24-5]

The provisions of IC 6-1.1-24-10 make it the duty of the county treasurer to endorse upon or attach to the certificate of sale a written guarantee, signed by the treasurer, warranting that the taxes and special assessments upon the real property described in the certificate of sale are delinquent and were unpaid at the time of sale and that the real property is, therefore, eligible for sale. If the county treasurer, before the time of making the guarantee required by IC 6-1.1-24-10, received payment of the delinquent taxes or special assessments for which the real property was sold, the holder of the certificate may initiate an action upon the written guarantee or upon the official bond of the county treasurer. If an action is initiated under this section, the measure of damages is double the amount paid by the holder of the certificate plus legal interest on that amount.

A person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale on a tract of real property listed under IC 6-1.1-24-1 or a person who is an agent of that person may not purchase a tract offered for sale under IC 6-1.1-24-5, IC 6-1.1-24-5.2, IC 6-1.1-24-5.5, or IC 6-1.1-24-5.6. If a person who purchases a tract that the person was not eligible to purchase, the sale of the property is void. The county treasurer shall apply the amount of the person's bid to the person's delinquent taxes and offer the real property for sale again. [IC 6-1.1-24-5.3]

If a tract or an item of real property is offered for sale and an amount is not received that is at least equal to the minimum sale price required, then the tract or an item of real property may be offered for sale a second time consistent with the provisions of IC 6-1.1-24-1 through IC 6-1.1-24-5 or the following. Notwithstanding any other law, if a tract or an item of real property is offered for sale under IC 6-1.1-24-1 through IC 6-1.1-24-5 and an amount is not received that is at least equal to the minimum sale price required and the

county treasurer and the county auditor jointly agree to an expedited tax sale then the tract or item of real property may be offered for sale a second time on a date that is on or after January 1 and before March 31 of the year immediately following the year in which the property was initially offered for sale and at least ninety (90) days after the date of the initial sale. All notice and judgment requirements set forth in this chapter and IC 6-1.1-25 are applicable to the second expedited tax sale. [IC 6-1.1-24-5.5]

When a tract or item of real property is offered for sale for two (2) consecutive tax sales and no bid is received in an amount equal to or in excess of the minimum sale price, the county acquires a lien in the amount of the minimum sale price. The lien attaches on the day after the last date on which the tract is offered for sale the second time. The county auditor shall issue a tax sale certificate to the county dated the day the county acquires the lien. Upon issuance of the certificate, the county has the same rights as a purchaser; however, no money shall be paid by the county. [IC 6-1.1-24-6] All sales to the county shall be entered in the tax sale record and also in the Register of Tax Sales to the County, County Form 9S.

After each tax sale conducted, the county auditor shall prepare and deliver to the county commissioners a list of all properties that have been offered for sale in two (2) consecutive tax sales, that have not received a bid for at least the amount required, that are not subject to the provisions of IC 6-1.1-24-6.5, on which the county has acquired a lien, and for which the county is eligible to take title. The county commissioners shall by resolution, identify the property that the county commissioners desire to transfer to a nonprofit corporation for use for the public good; and set a date, time, and place for public hearing to consider the transfer of the property to a nonprofit corporation.

Notice of the list prepared and the date, time, and place for hearing on the proposed transfer of the property on the list shall be published in accordance with IC 5-3-1. The notice must include a description of the property by:

1. legal description; and
2. parcel number or street address, or both.

The notice must specify that the county commissioners will accept applications submitted by nonprofit corporations and hear any opposition to a proposed transfer.

After the hearing, the county commissioners shall by resolution make a final determination concerning:

1. the properties that are to be transferred to a nonprofit corporation;
2. the nonprofit corporation to which each property is to be transferred; and
3. the terms and conditions of the transfer.

To be eligible to receive property, a nonprofit corporation must file an application with the county commissioners. The application must state the property that the corporation desires to acquire, the use to be made of the property, and the time period anticipated for implementation of use. The application must be accompanied by documentation verifying the nonprofit status of the corporation and be signed by an officer of the corporation. If more than one (1) application for a single property is filed, the county commissioners shall determine which application is to be accepted based on the benefit to be provided to the public and the neighborhood and the suitability of the stated use for the property and the surrounding area.

After the hearing and the final determination of properties to be transferred, whichever is applicable, the county commissioners, on behalf of the county, shall cause all delinquent taxes, special assessments, penalties, interest, and costs of sale to be removed from the tax duplicate and the county auditor to prepare a deed transferring the property to the nonprofit corporation. The deed shall provide for:

1. the use to be made of the property;
2. the time within which the use must be implemented and maintained;
3. any other term and conditions that are established by the county commissioners; and
4. the reversion of the property to the county if the grantee nonprofit corporation fails to comply with the terms and conditions.

If the grantee nonprofit corporation fails to comply with the terms and conditions of the transfer and title to the property reverts to the county, the property may be retained by the county or disposed of under any of the provisions of this chapter or IC 6-1.1-24 or both. [IC 6-1.1-24-6.7]

When real property is sold at the tax sale the purchaser shall immediately pay the amount of the bid to the county treasurer. [A purchaser who fails to pay his bid shall pay a penalty of twenty-five percent (25%) of the amount of his bid (IC 6-1.1-24-8)]. The treasurer shall apply the payment in the following manner: First, to the taxes, special assessments, penalties, and sale cost described in IC 6-1.1-24-5(e); second, to other delinquent property taxes; and third, to a separate "tax sale surplus fund."

An owner of record who is divested of the owner's property by the issuance of a tax deed to the tax sale purchaser, the tax sale purchaser or purchaser's assignee, upon redemption, or a person with substantial property interest of public record as evidenced by the issuance of a tax deed to the tax sale purchaser in a county having a population of more than 200,000 but less than 400,000, having a consolidated city, or in which the county auditor and county treasurer have an agreement under IC 6-1.1-25-4.7; may file a verified claim for money deposited in the tax sale surplus fund.

Any amount deposited in the tax sale surplus fund and remaining unclaimed for a period of three (3) years shall be transferred to the county general fund. [IC 6-1.1-24-7]

Immediately after a tax sale purchaser pays his bid, as evidence by the receipt of the county treasurer, or immediately after the county acquires a lien, the county auditor shall deliver a certificate of sale to the purchaser or to the county. The certificate shall be signed by the auditor and registered in his office. The certificate shall contain:

1. a description of real property which corresponds to the description used on the notice of sale;
2. the name of the former owner, if known;
3. the name of the purchaser;
4. the date of sale;
5. the amount for which the real property was sold;
6. the amount of the minimum bid for which the tract or real property was offered at the time of sale; and
7. the date when the purchaser is first entitled to request a deed to the property.

When a certificate of sale is issued, the purchaser acquires a lien against the real property for the entire amount that he paid. The lien of the purchaser is superior to all liens against the real property which exist at the time the certificate is issued.

A certificate of sale is assignable. However, an assignment is not valid unless it is endorsed on the certificate of sale, acknowledged before an officer authorized to take acknowledgments of deeds, and registered in the office of the county auditor. When a certificate of sale is assigned, the assignee acquires the same rights and obligations that the original purchaser acquired. [IC 6-1.1-24-9]

Whenever a tract is offered for sale and no bid is received for the minimum sales price, the county auditor shall prepare a certified statement of the actual costs incurred by the county. The county auditor shall place the amount specified in the certified statement on the tax duplicate of the tract offered but not sold at the sale. The amount shall be collected as real property taxes are collected and paid into the county general fund. [IC 6-1.1-24-13]

Duties of the county treasurer or county auditor, in regards to the selling of real property at tax sale, are the responsibility of the respective officer and may not be preformed under contract or by a person or entity, unless consented to in writing by the respective officers. [IC 6-1.1-24-14]

Redemption From Tax Sale

An occupant or person with a substantial property interest of public record in a tract may redeem the tract at any time before a tax title deed is issued. [IC 6-1.1-25-1]

The total amount of money required for the redemption of real property equals the sum of (a) through (d) reduced by any amounts held in the name of the taxpayer or purchaser in the tax sale surplus fund:

- a.
 1. If redeemed in less than six months after the tax sale one hundred ten percent (110%) of the minimum bid for which the tract was offered at the time of sale as required by IC 6-1.1-24-5.
 2. If redeemed more than six months but less than one year after the tax sale one hundred fifteen percent (115%) of the minimum bid for which the tract was offered at the time of sale as required by IC 6-1.1-24-5.
 3. If redeemed more than one year after the tax sale one hundred twenty-five percent (125%) of the minimum bid for which the tract was offered at the time of sale as required by IC 6-1.1-24-5.
- b. In addition to the amount required in (a), the total amount required for redemption includes the amount by which the purchase price exceeds the minimum bid on the real property plus ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid.
- c. In addition to the amount required in (a) and (b), the total amount required for redemption includes all taxes and special assessments upon the property paid by the purchaser subsequent to the sale, plus ten percent (10%) interest per annum on those taxes and special assessments.
- d. In addition to the amounts required in (a), (b), and (c), the total amount required for redemption includes the following costs incurred by the purchaser or the purchaser's assignee:
 1. The costs of giving notice under IC 6-1.1-24-4.5 and 4.6.
 2. Filing fees paid in the filing of a petition for a tax deed under IC 6-1.1-24-4.6.
 3. The cost of examining and updating the abstract of title for the tract or item of real property. [IC 6-1.1-25-2]

A county auditor may petition a court issuing judgments and orders for sale in the county to establish a schedule of reasonable and customary fees that apply to a purchaser who submits a claim for reimbursement upon redemption by the property owner.

When a court provides a schedule, the county auditor may not reimburse expenses at a rate higher than the rate published in the schedule.

A purchaser may petition the court for a higher rate of reimbursement than the rate found on the schedule. The court may grant the petition if the court finds that the purchaser's claim is based on reasonable and customary fees. [IC 6-1.1-25-2.5]

When real property is redeemed, a quietus shall be issued by the county auditor in favor of the person paying the money to the treasurer and the amount receipted into the "tax sale redemption" fund shall be held in trust for the purchaser. The county auditor should then immediately inform the purchaser of the redemption and, upon the purchaser surrendering the certificate of sale, the county auditor shall issue a warrant equal to the amount received by the treasurer for redemption. The county auditor shall endorse the certificate and preserve it as a public record. If a certificate of sale is lost and the county auditor is satisfied the certificate did exist, the county auditor may make payment to the proper person in the manner provided in IC 6-1.1-25-3. The name of the person who redeems the property, the date of redemption and the amount for which the property is redeemed shall also be entered in the Tax Sale Record (Form 137).

When the county acquires a lien and a tax sale certificate is issued to the county, pursuant to IC 6-1.1-24-6, the redemption should be handled in the same manner as property sold to other purchasers, by issuing a quietus for the amount required for redemption and by crediting the amount to the tax sale redemption fund. A warrant from that fund should then be issued to the "Treasurer of _____ County" for payment of the taxes, penalties, interest and costs for which a lien was acquired by the county, together with the statutory redemption penalty of ten percent (10%), fifteen percent (15%) or twenty-five percent (25%), depending upon the date of redemption. The amount of the penalty added on redemption should then be entered in the "additional assessments" section of the duplicate in the column provided for "delinquent tax" and payment thereof entered by the treasurer when the warrant is processed and a receipt (or receipts) issued for the taxes, penalties, interest and costs.

Any costs incurred by the county as described in IC 6-1.1-25.2(d) would also be required to be paid by the redeeming party.

The redemption should also be entered in the tax sale record and in the register of tax sales to the county.

Property Containing Hazardous Waste or Other Environmental Hazards

If the county auditor does not issue a deed to the county for property for which a certificate of sale has been issued to the county under IC 6-1.1-24-9 because the county executive determines that the property contains hazardous waste or another environmental hazard for which the cost of abatement or alleviation will exceed the fair market value of the property, the property may be transferred.

A person who desires to obtain title to and eliminate the hazardous conditions of property containing hazardous waste or another environmental hazard for which a county holds a certificate of sale but to which a deed may not be issued to the county may file a petition with the county auditor seeking a waiver of the delinquent taxes, special assessment, interest, penalties, and costs assessed against the property and transfer of the title to the property to the petitioner. The petition must:

1. be on a form prescribed by the state board of accounts and approved by the state board of tax commissioners;
2. state the amount of taxes, special assessments, penalties, and costs assessed against the property for which a waiver is sought;
3. describe the conditions existing on the property that have prevented the sale or the transfer of title to the county;
4. describe the plan of the petitioner for elimination of the hazardous condition on the property under IC 13-25-5 and the intended use of the property; and
5. be accompanied by a fee established by the county auditor for completion of a title search and processing.

Upon receipt of a petition, the county auditor shall review the petition to determine whether the petition is complete. If the petition is not complete, the county auditor shall return the petition to the petitioner and describe the defects in the petition. The petitioner may correct the defects and file the completed petition with the county auditor. Upon receipt of a completed petition, the county auditor shall forward a copy of the petition to:

1. the assessor of the township in which the property is located;
2. the owner;
3. all persons who have, as of the date of the filing of the petition, a substantial interest of public record in the property;
4. the county property tax assessment board; and
5. the state board of tax commissioners.

Upon receipt of a petition, the county property tax assessment board shall, at the county board's earliest opportunity, conduct a public hearing on the petition. The county property tax assessment board shall, by mail, give notice of the date, time, and place fixed for the hearing to:

1. the petitioner;
2. the owner;
3. all persons who have, as of the date the petition was filed, a substantial interest of public record in the property; and
4. the assessor of the township in which the property is located.

In addition, notice of the public hearing on the petition shall be published one (1) time at least ten (10) days before the hearing in a newspaper of county wide circulation and posted at the principal office of the county property tax assessment board or at the building where the meeting is to be held.

After the hearing and completion of any additional investigation of the property or of the petitioner that is considered necessary by the county property tax assessment board, the county board shall give notice, by mail, to the parties of the county board's recommendation as to whether the petition should be granted. The county board shall forward to the state board of tax commissioners a copy of the county board's recommendation and a copy of the documents submitted to or collected by the county board at the public hearing or during the course of the county board's investigation of the petition.

Upon receipt by the state board of tax commissioners of a recommendation by the county property tax assessment board, the state board of tax commissioners shall review the petition and all other materials submitted by the county board and determine whether to grant the petition. Notice of the determination by the state board of tax commissioners and the right to seek an appeal of the determination shall be given by mail to:

1. the petitioner;
2. the owner;
3. all persons who have, as of the date the petition was filed, a substantial interest of public record in the property;
4. the assessor of the township in which the property is located; and
5. the county property tax assessment board.

Any person aggrieved by a determination of the state board of tax commissioners may file an appeal seeking additional review by the state board of tax commissioners and a public hearing. In order to obtain a review, the aggrieved person must file a petition for appeal with the county auditor in the county where the tract or item of real property is located not more than thirty (30) days after issuance of notice of the state board of tax commissioners' determination. The county auditor shall transmit the petition for appeal to the state board of tax commissioners not more than ten (10) days after the petition is filed.

Upon receipt by the state board of tax commissioners of an appeal, the state board of tax commissioners shall set a date, time, and place for a hearing. The state board of tax commissioners shall give notice, by mail, of the date, time, and place fixed for the hearing to:

1. the person filing the appeal
2. the petitioner;
3. the owner;
4. all persons who have, as of the date the petition was filed, a substantial interest of public record in the property;
5. the assessor of the township in which the property is located; and
6. the county property tax assessment board.

The state board of tax commissioners shall give the notices at least ten (10) days before the day fixed for the hearing.

After the hearing, the state board of tax commissioners shall give the parties notice by mail of the state board's final determination.

If the state board of tax commissioners decides to:

1. grant the petition submitted under subsection (b) after initial review of the petition under subsection (f) or after an appeal under subsection (h); and
2. waive the taxes, special assessments, interest, penalties, and cost assessed against the property;

the state board of tax commissioners shall issue to the county auditor an order directing the removal from the tax duplicate of the taxes, special assessments, interest, penalties, and costs for which the waiver is granted.

After:

- (1) at least thirty (30) days have passed since the issuance of a notice by the state board of tax commissioners to the county property tax assessment board granting a petition filed under subsection (b), if no appeal has been filed; or (2) not more than thirty (30) days after receipt by the county property tax assessment board of a notice of a final determination of the state board of tax commissioners granting a petition filed under subsection (b) after an appeal has been filed and heard under subsection (h);

the county auditor shall file a verified petition and an application for an order on the petition in the court in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed to the real property. The petition shall contain the certificate of sale issued to the county, a copy of the petition filed under subsection (b), and a copy of the notice of the final determination of the state board of tax commissioners directing the county auditor to remove the taxes, interest, penalties, and costs from the tax duplicate. Notice of the filing of the petition and application for an order on the petition shall be given, by mail, to the owner and any person with a substantial interest of public record in the property. A person owning or having an interest in the property may appear to object to the petition.

The court shall enter an order directing the county auditor to issue a tax deed to the petitioner if the court finds that the following conditions exist:

1. The time for redemption has expired.
2. The property has not been redeemed by the payment of all taxes, special assessments, interest, penalties, and costs owed.
3. All taxes, special assessments, interest, penalties, and costs have been waived by the state board of tax commissioners or, to the extent not waived, paid by the petitioner.
4. All notices required by law have been given.
5. The petitioner has complied with all the provisions of law entitling the purchaser to a tax deed.

A tax deed issued is uncontestable except by appeal from the order of the court directing the county auditor to issue the tax deed. [IC 6-1.1-25-4.1]

Issuance of Tax Title Deeds

A purchaser or assignee is entitled to a tax deed to the property that was sold only if:

1. the redemption period specified in IC 6-1.1-25-4 has expired;
2. the property has not been redeemed; and
3. not less than one (1) month, if the property is subject to IC 6-1.1-25-4(a)(2) through IC 6-1.1-25(a)(5), or otherwise not less than three (3) months or more than five (5) months prior to the filing of the petition for a tax deed but not more than thirty (30) days after the expiration of the period of redemption specified in IC 6-1.1-25-4(a)(1):

- A. the purchaser or assignee; or
- B. in a county having a consolidated city, a county having a population of more than two hundred thousand (200,000) but less than four hundred thousand (400,000), or a county where the county auditor and county treasurer have an agreement under IC 6-1.1-25-4.7, the county auditor;

gives notice of the sale, the date of expiration of the period of redemption, and the date on or after which a petition for the tax deed will be filed to the owner and any person with a substantial property interest of public record in the tract or real property.

However, in a county having a consolidated city, the county auditor shall give notice not less than one (1) month before the expiration of the period of redemption.

The purchaser or assignee or, in a county having a consolidated city, a county having a population of more than 200,000 but less than 400,000, or a county where the county auditor and county treasurer have an agreement under IC 6-1.1-25-4.7, the county auditor shall give the notice required by subsection (a) by sending a copy of the notice by certified mail to the parties described in subsection (a) at their last known address. However, if the address of the owner or person with a substantial property interest of public record upon diligent inquiry cannot be located by the purchaser or assignee or, in a county having a consolidated city, a county having a population of more than 200,00 but less than 400,000 or a county treasurer have an agreement under IC 6-1.1-25-4.7, the county auditor, notice may be given by publication in the manner described in IC 6-1.1-22-4(b) once each week for three (3) consecutive weeks.

The notice that this section requires shall contain the following:

1. A statement that a petition for a tax deed will be filed on or after a specified date.
2. The date on or after which the petitioner intends to petition for a tax deed to be issued.
3. The description of the tract or real property shown on the certificate of sale.
4. The date the tract or real property was sold at a tax sale.
5. The name of the purchaser.
6. A statement that the owner, occupant, or person with a substantial interest of public record is entitled to redeem the tract or real property.
7. The amount of the judgment for taxes, special assessments, penalties, and costs under IC 6-1.1-24-4.7 to redeem the tract or real property.
8. A statement that the purchaser or the purchaser's successors or assignees are entitled to reimbursement for additional taxes or special assessments on the tract or real property that were paid by the purchaser subsequent to the tax sale and before redemption.
9. A statement that the tract or real property has not been redeemed.
10. A statement that the purchaser or the purchaser's assignee is entitled to receive a deed for the tract or real property if it is not redeemed before a certain date.
11. A statement that the purchaser or the purchaser's assignee is entitled to reimbursement for costs described in IC 6-1.1-25-2(d).

The notice under this section must include not more than one (1) tract or item of real property listed and sold in one (1) description. However, when more than one (1) tract or item of real property is owned by one (1) person, all of the tracts or real property that are owned by that person may be included in one (1) notice. [IC 6-1.1-25-4.5]

After the expiration of the redemption period specified in IC 6-1.1-25-4 and at least three (3) months after the issuance of the notice required in IC 6-1.1-25-4.5, the purchaser or the purchaser's assignee may or, in a county having a consolidated city, a county having a population of more than 200,000 but less than 400,000, or a county where the county auditor and county treasurer have agreement under IC 6-1.1-25-4.7, the county auditor shall file a verified petition in the same court and under the same cause number in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed if the real property is not redeemed from the sale. Notice of the filing of this petition and the date on or after which the petitioner intends to make application for an order on the petition shall be given to the owner and any person with a substantial interest of public record in the tract or real property in the same manner as provided in IC 6-1.1-24-4.5, except that only one (1) publication is required. The county auditor shall be notified of the filing of this petition. Any person owning or having an interest in the tract or real property may appear in the proceeding on this petition.

The court shall enter an order directing the county auditor (on the production of the certificate of purchase and a certified copy of the order) to issue to the purchaser or the purchaser's assignee a tax deed if the court finds that the following conditions exist:

1. The time of redemption has expired.
2. The tract or real property has not been redeemed from the sale.
3. All taxes and special assessments, penalties, and costs have been paid.
4. The notices required by law have been given.
5. The petitioner has complied with all the provisions of law entitling the purchaser or the purchaser's assignee to a deed.

Upon application by the grantee of a valid tax deed in the same court and under the same cause number in which the judgment of sale was entered, the court shall enter an order to place the grantee of a valid tax deed in possession of the real estate. The court may enter any orders and grant any relief that is necessary or desirable to place or maintain the grantee of a valid tax deed in possession of the real estate.

If the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure of the petitioner to fulfill the requirements of IC 6-1.1-25-4.6, the court shall order the return of the purchase price minus a penalty of twenty-five percent (25%) of the amount of the purchase price.

The sale shall be treated as an invalid sale in all cases in which either the purchaser or the purchaser's assignee or in a county having a consolidated city, a county having a population of more than 200,000 but less than 400,000 or a county where the county auditor and county treasurer have an agreement under IC 6-1.1-25-4.7, the county auditor has made a bona fide attempt to comply with the statutory requirements for the issuance of the tax deed and the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure to comply with these requirements, the county auditor shall not execute the deed but shall refund the purchase money plus six percent (6%) interest per annum to the purchaser or purchaser's successors or assignees. The tract, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering.

The court shall not order the return of the purchase price if:

1. the purchaser has failed to provide notice or has provided insufficient notice as required by IC 6-1.1-25-4.5; and
2. the sale is otherwise valid.

A tax deed is incontestable except by appeal from the order of the court directing the county auditor to issue the tax deed. [IC 6-1.1-25-4.6]

A person may, upon appeal, defeat the title conveyed by a tax deed executed by IC 6-1.1-24-4 only if:

1. Tract or real property described in a deed was not subject to the taxes for which it was sold;
2. The delinquent taxes or special assessments for which the tract or real property was sold were paid before the sale;
3. The tract or real property was not assessed for the taxes and special assessments for which it was sold;
4. The tract or real property was redeemed before the expiration of the period of redemption (as specified in section 4 of this chapter);
5. The proper county officers issued a certificate within the time limited by law for paying taxes or for redeeming the tract or real property, which states either that no taxes were due at the time the sale was made or that the tract or real property was not subject to taxation;
6. The description of the tract or real property was so imperfect as to fail to describe it with reasonable certainty; or
7. The notices required by IC 6-1.1-24-4, IC 6-1.1-24- 4.5 and IC 6-1.1-24-4.6 were not in substantial compliance with the manner prescribed in those sections. [IC 6-1.1-25-16]

A county auditor and county treasurer may enter into a mutual agreement for the county auditor to perform the following duties instead of the purchaser:

1. Notification and title search under IC 6-1.1-25-4.5
2. Notification and petition to the court for the tax deed under IC 6-1.1-25-4.6. [IC 6-1.1-26-4.7]

If the certificate was issued to the county and the property is not redeemed within one (1) year a deed shall be issued to the county. When a deed is issued to the county, the delinquent taxes and special assessments and all subsequent taxes, special assessments, interest, penalties, and cost of sale shall be removed from the tax duplicate in the same manner as taxes are removed by certificate of error. [IC 6-1.1-25-4]

However, if the board of county commissioners determines that the property involved contains hazardous waste or another environmental hazard which the cost of abatement or alleviation will exceed the fair market value of the property, a county auditor is not required to execute a deed to the county. [IC 6-1.1-25-4 (e)]

The holder of a certificate of sale, or his successors or assigns, shall have the county auditor execute a deed to the real property within two (2) years after the date of the sale. If the purchaser, or his successors or assigns, fails to have the county auditor execute a deed within that time period, the purchaser's lien against the real property terminates at the end of the time period. However, this does not apply if the county or city is the holder of a certificate of sale. [IC 6-1.1-25-7]

If the purchaser does not provide notice prior to the expiration of the period of redemption, the purchaser's lien against the real property terminates thirty-one (31) days after the expiration of the redemption period. [IC 6-1.1-25-7]

When a deed is issued, the date of such deed and the name of the grantee in the deed shall be entered in the tax sale record.

Sale of Real Property Acquired by County

When a county acquires title to real property under IC 6-1.1-24 and IC 6-1.1-25, the county may dispose of the real property under IC 36-1-11 or IC 6-1.1-25-9(e). The proceeds of any sale under IC 36-1-11 shall be deposited as follows:

1. First, to the cost of the sale, including the cost of maintenance preservation, and administration of the property before sale, including prior unpaid costs of sales, preparation of the property for sale, advertising, and appraisal.
2. Second, to the payment of the taxes which were removed from the tax duplicate under IC 6-1.1-25-4(c).
3. Third, any surplus remaining into the county general fund.

The county auditor shall file a report with the board of commissioners before January 31 of each year. The report must: (1) list the real property acquired under IC 6-1.1-24 and IC 6-1.1-25; and (2) indicate if any person resides or conducts a business on the property.

The county auditor shall mail a notice by certified mail before March 31 of each year to each person listed in the report. The notice must state that the county has acquired title to the tract the person occupies.

If the county determines under IC 36-1-11 that any real property so acquired should be retained by the county, the county shall not dispose of the real property. The county commissioners may repair, maintain, equip, alter and construct buildings upon the real property so retained in the same manner prescribed for other county buildings. [IC 6-1.1-25-9]

The county may transfer title to real property described in IC 6-1.1-25-9(a) to the redevelopment commission at no cost to the commission for sale or grant under IC 36-7-14-22.1 or IC 36-7-15.1-15.1. [IC 6-1.1-25-9]

This section applies to the following:

1. A person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale on a tract of real property listed under IC 6-1.1-24-1.
2. A person who is an agent of the person described in subsection (1).

A person subject to this section may not purchase, receive, or lease a tract that is offered in a sale, exchange, or lease.

If a person purchases, receives, or leases a tract that the person was not eligible to purchase, receive, or lease under this section, the sale, transfer, or lease of the property is void and the county retains the interest in the tract it possessed before the sale, transfer, or lease of the tract. [IC 36-1-11-16]

Invalid Tax Sale - Refund of Purchase Money

If, before the execution of a deed to real property sold for taxes, it is found that the sale was invalid, the county auditor shall not execute the deed, but shall refund the purchase money plus six percent (6%) interest from the county treasury to the purchaser, or the purchaser's successors or assigns. The real property, if it is then eligible for sale, shall be placed on the delinquent list as an initial offering. [IC 6-1.1-25-10]

Subsequent to the execution of the deed to real property sold for taxes, the county auditor shall refund the purchase money plus six percent (6%) interest per annum from the county treasury to the purchaser, or his/her successors or assigns, if it is found that: (1) The real property described in the deed was not subject to the taxes for which it was sold; (2) the delinquent taxes or special assessments for which the real property was sold were properly paid before the sale; or (3) the real property was properly redeemed before the execution of the deed. [IC 6-1.1-25-11]

A person, including the county, to whom a refund is made under this section shall execute, acknowledge, and deliver to the owner a deed conveying whatever interest the purchaser may have acquired by the tax sale deed. If a county is required to execute a deed under this section, the deed shall be signed by the board of county commissioners and acknowledged by the clerk of the circuit court. [IC 6-1.1-25-11]

A refund may not be made under this section while a court action initiated under IC 6-1.1-25-14 or 6-1.1-25-16 is pending. [IC 6-1.1-25-11]

SECTION B - COLLECTION OF DELINQUENT PERSONAL PROPERTY TAXES

The county treasurer has the duty to enforce the collection of delinquent personal property taxes, including taxes on mobile homes.

Annually, after November 10 but prior to August 1 of the succeeding year, each county treasurer shall serve a written demand upon each county resident who is delinquent in the payment of personal property taxes. The written demand may be served upon the taxpayer by registered or certified mail; in person by the county treasurer or his deputy; or by proof of certificate of mailing. [IC 6-1.1-23-1] The demands shall be made on County Form No. 143B, Demand Notice - Personal Property Taxes, and shall be recorded in the County Treasurer's Record of Demands, County Form No. 143.

If a taxpayer does not pay the total amount due within thirty (30) days after the date the written demand is made, the county treasurer shall levy upon and sell personal property of the taxpayer which is of sufficient value to pay the delinquent taxes, penalties and anticipated collection expenses. [IC 6-1.1-23-2] The procedure to be observed in the sale of personal property for delinquent taxes and the collection expenses (including a demand fee of \$5.00) are provided in IC 6-1.1-23-1 through 6-1.1-23-8.

In the year immediately following the year in which personal property taxes become delinquent, each county treasurer shall prepare a record of the delinquencies for which written demand has been made and which remain unpaid for at least sixty (60) days after the demand is made. The county treasurer shall swear to the accuracy of the record before the clerk of the circuit court and shall file the record with the clerk. When the record is so filed, the amount of delinquent taxes, penalties and collection expenses stated in the record constitute a debt of the named taxpayer and the debt in all respects has the same force and effect as a judgment. On the date the county treasurer files the record of the judgments in the office of the clerk of the circuit court, the county treasurer shall make an entry on the tax duplicate in a column headed "Certified to Clerk of Circuit Court." [IC 6-1.1-23-9]

The entry in the tax duplicate of taxes, penalties and interest certified to the clerk of the circuit court removes the charges therefor from the duplicate and the total of all such amounts shall be entered on line 30 of the apportionment sheet for each taxing district and line 30 of the settlement sheet. The auditor, as a part of his duties in auditing the tax duplicate, should confirm the amounts certified to the clerk of the circuit court. The manner of accounting for collections on tax judgments is discussed on pages 8-4 to 8-6.

The county treasurer may enter into a contract, subject to the approval of the county executive, for services that the county treasurer considers necessary for the administration of IC 6-1.1-23 or the collection of delinquent personal property taxes. If delinquent personal property taxes are collected under contract entered under IC 6-1.1-23-1.5, the county treasurer may collect from the person owing the delinquent taxes a reasonable collection fee. [IC 6-1.1-23-1.5]

With respect to the collection of personal property taxes, the county treasurer shall charge collection expenses to each delinquent taxpayer. The fees collected are the property of the county and shall be deposited in the county general fund. The collection expenses incurred in connection with the levy upon and sale of personal property shall be paid from the county general fund without prior appropriation.